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6 Attorneys for Defendant MIDLAND CREDIT MANAGEMENT, INC.  
7

8 **UNITED STATE DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ROBIN SCHMIDT, an individual,

Case No. **'12CV2744 JLS DHB**

11 Plaintiff,

12 v.

13 MIDLAND CREDIT MANAGEMENT,  
INC.,

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. §1441(a)  
(FEDERAL QUESTION)**

14 Defendant.

15  
16 TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
17 SOUTHERN DISTRICT OF CALIFORNIA:

18 PLEASE TAKE NOTICE that pursuant to 28. U.S.C. §1441(a), Defendant Midland Credit  
19 Management, Inc. ("Defendant") hereby removes to the United States District Court for the Southern  
20 District of California the State Court action described below. This removal is based on the following  
21 grounds:

22 1. On October 4, 2012, Plaintiff Robin Schmidt ("Plaintiff") commenced an action  
23 against Defendant in the Superior Court of the State of California, County of San Diego, Central  
24 Division, entitled *Robin Schmidt v. Midland Credit Management, Inc.* Case No. 37-2012-00083109-  
25 CL-NP-CTL (the "Complaint"). A true and correct copy of the Complaint is attached as Exhibit A.

26 2. On October 15, 2012, Defendant received a copy of the Complaint in that action via  
27 service on CT Corporation System by process server. A true and correct copy of the Notice of

1 Service of Process is attached hereto as Exhibit B. Therefore, this Notice of Removal is timely  
2 under 28 U.S.C. §1446(b).

3 **JURISDICTION**

4 3. This action is a civil action of which this Court has original jurisdiction under 28  
5 U.S.C. §1331 and which may be removed to this Court by Defendant pursuant to the provisions of  
6 28 U.S.C. §1441(a) in that the Complaint asserts federal claims against Midland allegedly arising  
7 under 15 U.S.C. §§1692, *et seq.* (the Fair Debt Collection Practices Act).

8 4. As the Complaint was filed in the Superior Court of the State of California, County of  
9 San Diego, Central Division, venue in the Southern District is proper. There are no other defendants  
10 named in this action.

11 5. Defendant is represented in this action by the undersigned.

12  
13 Dated: November 13, 2012

**KEENEY WAITE & STEVENS**  
A Professional Corporation

14 /s/ Todd F. Stevens

15 By:

16 Todd F. Stevens  
17 Attorneys for Defendant  
18 MIDLAND CREDIT MANAGEMENT, INC.  
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